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Attorneys for Defendant MOBILETOYS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CORBIS CORPORATION, a Nevada corporation,)	Case No. C 07 5910 JW RS
)	
Plaintiff,)	MOBILETOYS, INC.'S ANSWER TO
)	COMPLAINT FOR COPYRIGHT
vs.)	INFRINGEMENT AND VIOLATION OF
)	THE DIGITAL MILLENNIUM
MOBILETOYS, INC., a Delaware corporation,)	COPYRIGHT ACT
)	
Defendant.)	DEMAND FOR JURY TRIAL
)	

ANSWER

Defendant MOBILETOYS, INC., a Delaware corporation, answers the complaint ("Complaint") as follows:

PARTIES

1. Answering the allegations of paragraph 1 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of the factual allegations contained in the said paragraph, and on that basis deny each and every such allegation. As to the legally conclusionary allegations of paragraph 1, Defendant denies each and every allegation.
2. Answering the allegations of paragraph 2 of the Complaint, Defendant admits that Plaintiff has alleged that this court has subject matter jurisdiction over this action.

3. Answering the allegations of paragraph 3 of the Complaint, Defendant admits that Plaintiff has alleged personal jurisdiction over this Defendant, but Defendant denies that it does business as described in said paragraph and on that basis denies each and every allegation contained therein.

4. Answering the allegations of paragraph 4 of the Complaint, Defendant admits that Plaintiff has alleged venue is proper in this District, but Defendant denies that it does business as described in said paragraph and on that basis denies each and every allegation contained therein.

5. Answering the allegations of paragraph 5 of the Complaint, Defendant admits that pursuant to Local Rule 3-1(c) Intellectual Property Actions shall be assigned on a District-wide basis.

6. Answering the allegations of paragraph 6 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

7. Answering the allegations of paragraph 7 of the Complaint, Defendant admits the allegations contained therein.

8. Answering the allegations of paragraph 8 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

9. Answering the allegations of paragraph 9 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

10. Answering the allegations of paragraph 10 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

11. Answering the allegations of paragraph 11 of the Complaint, Defendant admits that it operates a website located at <www.mobiletoys.net>, but as to the remaining allegations contained in said paragraph, Defendant denies each and every such allegation.

1 12. Answering the allegations of paragraph 12 of the Complaint, Defendant denies
2 each and every allegation contained therein.

3 13. Answering the allegations of paragraph 13 of the Complaint, Defendant admits
4 that the images that are the subject of this action were displayed to the public on the MobileToys
5 website, but as to the remaining allegations Defendant denies each and every allegation contained
6 therein.

7 14. Answering the allegations of paragraph 14 of the Complaint, Defendant is without
8 sufficient information or knowledge to form a belief as to the truth of the allegations contained in
9 said paragraph, and on that basis denies each and every allegation contained therein.

10 15. Answering the allegations of paragraph 15 of the Complaint, Defendant admits
11 receipt of the October 22, 2007 letter from Corbis.

12 16. Answering the allegations of paragraph 16 of the Complaint, Defendant is without
13 sufficient knowledge or information to know of the alleged rights of Corbis, and on that basis
14 denies each and every such allegation.

15 17. Answering the allegations of paragraph 17 of the Complaint, Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
17 the said paragraph, and on that basis denies each and every such allegation.

18 18. Answering the allegations of paragraph 18 of the Complaint, Defendant repeats
19 and realleges its answers to paragraphs 1 through 17, inclusive, as though fully set forth herein.

20 19. Answering the allegations of paragraph 19 of the Complaint, Defendant is without
21 sufficient information or knowledge to form a belief as to the truth of the allegations contained in
22 said paragraph, and on that basis denies each and every such allegation.

23 20. Answering the allegations of paragraph 20 of the Complaint, Defendant denies
24 each and every such allegation.

25 21. Answering the allegations of paragraph 21 of the Complaint, Defendant denies
26 each and every such allegation.

27 22. Answering the allegations of paragraph 22 of the Complaint, Defendant denies
28

1 each and every allegation contained therein.

2 23. Answering the allegations of paragraph 23 of the Complaint, Defendant denies
3 each and every allegation contained therein.

4 24. Answering the allegations of paragraph 24 of the Complaint, Defendant repeats
5 and realleges its answers to paragraphs 1 through 24, inclusive, as though fully set forth herein.

6 25. Answering the allegations of paragraph 25 of the Complaint, Defendant is without
7 sufficient information or knowledge to form a belief as to the truth of the allegations contained in
8 said paragraph, and on that basis denies each and every allegation contained therein.

9 26. Answering the allegations of paragraph 26 of the Complaint, Defendant denies
10 each and every such allegation.

11 27. Answering the allegations of paragraph 27 of the Complaint, Defendant denies
12 each and every such allegation.

13 28. Answering the allegations of paragraph 28 of the Complaint, Defendant denies
14 each and every such allegation.

15 29. Answering the allegations of paragraph 29 of the Complaint, Defendant denies
16 each and every such allegation.

17 30. Answering the allegations of paragraph 30 of the Complaint, Defendant denies
18 each and every such allegation.

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20 **AFFIRMATIVE DEFENSES**

21 **FIRST AFFIRMATIVE DEFENSE**
22 **(Failure to State a Claim)**

23 31. The Complaint and each claim therein, fails to state a claim upon which relief can
24 be granted against Defendant.

25 **SECOND AFFIRMATIVE DEFENSE**
26 **(No Jurisdiction Over Defendant)**

27 32. This Court lacks personal jurisdiction over this Defendant, who lacks minimum
28 contacts with the Northern District of California.

THIRD AFFIRMATIVE DEFENSE
(Venue)

33. This answering Defendant asserts that venue is improper in this District and/or that venue should be transferred for the convenience of parties and witnesses, and in the interest of justice, to the District Court of Massachusetts.

FOURTH AFFIRMATIVE DEFENSE
(Laches)

34. Plaintiff has unreasonably delayed in asserting each and every cause of action, and Defendant has been unjustifiably prejudiced by that delay. Accordingly, Plaintiff is barred by the doctrine of laches from seeking any relief against Defendant.

FIFTH AFFIRMATIVE DEFENSE
(Waiver, Estoppel, Consent and Ratification)

35. Plaintiff's causes of action are barred by the doctrines of waiver, estoppel, consent and ratification.

SIXTH AFFIRMATIVE DEFENSE
(Innocent Infringer)

36. Defendant's infringement, if any, was innocent and Defendant was an innocent infringer.

WHEREFORE, Defendant MobileToys, Inc., prays for a judgment and order as follows:

A. Dismissing with prejudice the entirety of Plaintiff's complaint and each of the causes of action stated therein and ordering that Plaintiff take nothing by its Complaint;

B. Awarding Defendant its damages, costs, investigative expenses and attorneys' fees in defending this Complaint; and

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1 C. Awarding Defendant such other and further relief as the Court may determine to
2 be just and proper under the circumstances.

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4 Respectfully submitted,

5 Dated: January 10, 2008

LAW OFFICES OF LAWRENCE G. TOWNSEND

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8 By: /s/ Lawrence G. Townsend
Lawrence G. Townsend
9 Attorneys For Defendant MOBILETOYS, INC.

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12 **DEMAND FOR JURY TRIAL**

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14 Defendant demands a jury trial for all claims as provided for in Rule 38 of the Federal
15 Rules of Civil Procedure.

16
17 Dated: January 10 , 2008

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19
20 By: /s/ Lawrence G. Townsend
Lawrence G. Townsend
21 Attorneys For Defendant MOBILETOYS, INC.

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